IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.2023 OF 1997

S.S.Mande & Ors. .. Petitioners.

Vs.

The Konkan Railway Corporation
& Ors. .. Respondents

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Ms Anjali Helekar i/b Shri S.M.Dharap for the petitioners.

Shri Sanjay Udeshi i/b M/s.Sanjay Udeshi & Co. for the respondent Nos.1 and 2.

None present for the respondent No.3.

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CORAM : R.M.S.KHANDEPARKAR &
S.R.SATHE, JJ.

DATED : 21ST APRIL, 2006

P.C.

1. The learned advocate appearing for the petitioners submitted that pursuant to the information which was revealed by the learned advocate for the respondents on the last date of hearing, he tried to contact his clients by sending number of letters as well as by other modes. However, he could not get any response from any of the petitioners.

2. The learned advocate for the respondents

submitted that the Corporation had given oral intimation to the transferred employees at their transferred place about the hearing of the matter being fixed and that, they may require to speak with their advocate.

3. Considering the fact that the petitioners have not contacted their advocate and pursuant to the information given to the Court by the learned advocate for the respondents regarding the fact that the petitioner Nos.1, 3 and 6 have already left the services of the Corporation and the petitioner Nos.2 and 5 have been promoted, transferred and posted in Jammu & Kashmir, and further that those petitioners have not given any instructions to the learned advocate for the petitioners, and therefore, the learned advocate for the petitioners is unable to make any submission in the matter, it is apparent that the petitioners are not interested in pursuing the matter.

4. In the circumstances, therefore, the petition is liable to be dismissed for non prosecution. Hence, the petition is accordingly dismissed. Rule is discharged with no order as to costs.

(R.M.S.KHANDEPARKAR, J)

(S.R.SATHE, J)